

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

*In the matter of* )  
 )  
Recommendations of the Independent Panel )  
Reviewing the Impact of Hurricane Katrina ) EB Docket No. 06-119  
on Communications Networks )

**COMMENTS OF THE  
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION**

The National Rural Electric Cooperative Association (“NRECA”) appreciates this opportunity to offer comments in this proceeding.<sup>1</sup> The Independent Panel (“Katrina Panel” or “Panel”) was established by the Commission with the formidable task of evaluating the impact of Hurricane Katrina on telecommunications infrastructure and making recommendations for improving disaster preparedness, network reliability and communications among first responders in the event of future disasters. The Katrina Panel should be commended for performing an admirable job of compiling data of a catastrophic event then analyzing and presenting it in the Report and Recommendation of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks.<sup>2</sup>

**BACKGROUND**

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<sup>1</sup> *In re* Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, 71 Fed. Reg. 38564 (proposed July 7, 2006) (to be codified at various parts in 47 C.F.R.) (“Notice”).

<sup>2</sup> See the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks, *Report and Recommendations to the F.C.C.* (June 12, 2006) (“Katrina Report”).

NRECA is the not-for-profit, national service organization representing nearly 1,000 rural electric systems, which serve 39 million customers in 47 states.<sup>3</sup> NRECA's members depend upon private wireless communications systems to safely operate, monitor, control and repair their electric systems. NRECA members are part of the nation's critical infrastructure, providing essential services and working in concert with local fire, police and rescue units in times of emergencies and natural disasters.

Hurricane Katrina devastated vast areas of the Gulf Coast region and affected several NRECA members with operations in the area. Among the hardest hit, one electric cooperative lost 4,000 of its 6,000 miles of electrical distribution lines and poles. Another permanently lost fifty percent of its monthly megawatt sales due to displaced industrial customers and decreased usage and one quarter of its employees were left homeless by the storm. NRECA generally agrees with the Katrina Panel's recommendations promoting greater resiliency and reliability of communications infrastructure and supports the Commission's efforts to reduce the impacts of future disasters and improve disaster response and recovery efforts. NRECA now offers the following comments on three of the four areas set forth in the Panel's report.

## **DISCUSSION**

### **I. Pre-positioning the communications industry for disasters.**

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<sup>3</sup> NRECA is also a member of the Critical Infrastructure Communications Coalition and the United Telecom Council.

A. The Katrina Panel recommends that the Commission work with and encourage each industry sector, through their organizations or associations, to develop and publicize sector-specific readiness checklists, formal business continuity plans, as well as training exercises and procedures. As noted in its report the Panel recognized that utilities had a high rate of survivability following Hurricane Katrina.<sup>4</sup> NRECA is not convinced that electric utilities need be included in sector-wide readiness pre-positioning recommendations due to the long-standing, successful, utility-specific emergency procedures already in place.

The North American Electric Reliability Council (“NERC”) is a self-regulating body organized to promulgate guidelines, and ultimately mandatory standards, to ensure that the bulk electric system in North America is reliable, adequate and secure. Established in 1968, NERC has developed reliability standards addressing elements of emergency preparedness and operations and for the electric utility industry. The Rural Utility Service (“RUS”) also has regulations requiring the majority of co-ops that are RUS borrowers to have emergency restoration plans.

The Commission can and should work with industry organizations and associations to encourage the development and implementation of formal business continuity plans and emergency response training procedures. However, the responsibility for drafting and implementing formal plans and

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<sup>4</sup> See Katrina Report, *supra* note 2 at p. 12.

restoration checklists should remain in the hands of the industry consensus groups and NERC provides an appropriate model of how industry-wide, voluntary compliance can be achieved. The Commission should work with and consult the electric utility sector and its associations to establish best practices and procedures, particularly for cross-industry coordination and support, for the less robust communications sectors that generally were more adversely affected by the disaster.

B. NRECA agrees with the Panel's recommendation for establishing a prioritized system of automatically waiving regulatory requirements, or of granting automatic Special Temporary Authority ("STA") in emergency situations, or more specifically, when the President declares an area to be a disaster area. While the Commission already does a commendable job of providing emergency STAs, any effort to hasten and streamline the process beyond the current level is generally preferable.

When disasters are imminent, however, issuing and coordinating STAs prior to the President's formal declaration better advances the objective of pre-positioning crews and/or equipment for disaster response and recovery. For example, when notice of impending disasters is possible, utility crews are often deployed well in advance of the approaching event. Issuing and coordinating STAs in advance, through certified frequency coordinators, such as the United Telecom Council will speed the recovery efforts of the deployed crews at a time when every minute is critical.

## **II. Improving recovery coordination.**

A. NRECA heard from a number of its affected members that their restoration efforts were significantly hampered by the inability of their crews and contractors to access the hurricane ravaged areas. During the restoration phase of a disaster, emergency response personnel and repair crews must traverse secure jurisdictional boundaries to minimize loss of life and property damage. NRECA urges the Commission to work with the appropriate federal departments and agencies to promptly develop uniform national credentialing requirements recognizable to law enforcement personnel at all levels. However, NRECA is opposed to the Panel's recommendation that workers complete a training course as a condition of credentialing. Credentialing should remain nothing more than a means of identifying first responders – not qualifying them.

Furthermore, there is a significant need for a universally recognized form of “on-the-spot” credentialing of support contractors, such as food caterers and security personnel, issuable by the credentialed first responders employing them. Without the ability to spot credential support crews, trained first responders must leave the disaster site for extended periods to obtain supplies, equipment and even food. This problem can be alleviated by spot credentialing of support workers in the field. The application of the Panel's recommendation of training and other pre-credentialing prerequisites in such “on-the-spot” instances would be unduly burdensome at a time when

first responders should be focusing on restoration efforts.

B. The Panel supports the National Security Telecommunications Advisory Committee's ("NSTAC") recommendation that telecommunications infrastructure providers and their contracted workers be afforded first responder status under the Stafford Act, and broadening the designation to encompass all communications infrastructure providers. NSTAC's recommendation, however, extends outside of the Commission's jurisdiction to utility workers. While NRECA supports affording utility workers first responder status as contemplated by NSTAC, this will require the Commission's cooperation with Congress and other federal departments and agencies to implement the broadened recommendation.

### **III. Improving operability and interoperability of first responder communications.**

NRECA agrees that the Commission must continue to work diligently to facilitate effective interoperability among first responder communications. Indeed, communications interoperability is an integral component of any viable disaster response and restoration effort. NRECA supports the reallocation of spectrum in the 700 MHz band as part of the digital television transition for public safety use. This is a viable and important first step in establishing near-term first responder communications interoperability.

Interoperable communications are the foundation of any effective disaster restoration program. Unfortunately, many state and federal agencies operating within the same jurisdiction could not communicate with

one another during emergencies because their communications systems operate on differing frequencies making interfacing with one another difficult if not impossible. From an interoperability perspective, critical infrastructure industries fare no better than their public safety counterparts due to operations in disparate frequency bands.

Utilities and other critical infrastructure entities are in dire need of a designated allocation of spectrum enabling interoperability and coordination amongst one another and with the public safety sector. The reallocation of the 700 MHz band will bring much needed additional capacity allowing the public safety community to interoperate. NRECA urges the Commission to consider, as has been advocated by UTC and Motorola<sup>5</sup>, the designation of a small portion of the 700 MHz band for use in the critical infrastructure industries. While utilities' communications systems are designed to survive severe storms and other disasters, the limited availability of a common band of spectrum precludes truly interoperable communications systems. Because critical infrastructure industries perform essentially public safety-type functions in times of natural disasters and other emergencies, designating a portion of the 700 MHz band for use by critical infrastructure providers is an efficient spectrum solution that will advance the implementation of reliable, interoperable communication networks.

We appreciate the opportunity to provide these comments to the Task

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<sup>5</sup> Letter to Chairman Martin, *Proposal for Use of Returned Nextel 700 MHz Guard Band Licenses* (July 20, 2006).

Force.

Respectfully submitted,

NATIONAL RURAL ELECTRIC  
COOPERATIVE ASSOCIATION

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